

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:06KD-013

KAUAI

Issuance of Right-of-Entry Permit to County of Kauai on
Lands Encumbered by General Lease S-3832 to Pixar
Development LLC, Kapaa Town Lots, Kapaa, Kauai, Tax Map Key:
(4) 4-5-11:46.

APPLICANT:

County of Kauai, whose business and mailing address is 4444 Rice
Street, Suite 275, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government (Crown) lands of Kapaa situated at Kapaa,
Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-11:46, as
shown on the attached map labeled Exhibit A.

AREA:

0.593 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: General Commercial

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-3832, Pixar Development LLC, Lessee, for hotel-apartment purposes. Lease to expire on 05/17/2019.

CHARACTER OF USE:

Construct and maintain a temporary pedestrian and bicycle path purposes.

TERM OF RIGHT-OF-ENTRY:

For no more than one (1) year from commencement date.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable, government agency.

APPLICANT REQUIREMENTS:

None.

REMARKS:

The County of Kauai's Kapaa-Kealia phase of their bike and pedestrian path is presently being constructed. Part of the construction involves the reconstruction of the existing bicycle and pedestrian bridge over Moikeha Canal. The present bicycle and pedestrian traffic will have to be redirected to accommodate these users of the existing bridge. This can be accomplished by creating a temporary path over lands encumbered by General Lease No. S-3832 to Pixar Development LLC, which abuts the east side of the Moikeha Canal.

Pixar Development LLC by letter dated January 4, 2006 has no objections to the Department granting the County of Kauai a

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right-of-entry. (Exhibit B)

This is a government-related project thereby staff is recommending the Land Board waive the rent.

Staff also anticipates the Applicant may requester to extend the right-of-entry. Staff therefore is recommending the Land Board's authorization for the Chairperson to issue future right-of-entries to the Applicant for the continued temporary pedestrian and bicycle path.

RECOMMENDATION:

That the Board authorize the issuance of a right-of-entry permit to the County of Kauai covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form;
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
3. Waive the right-of-entry fee to the County of Kauai; and
4. Authorize the Chairperson to issue future right-of-entries to the County of Kauai in relation to the temporary pedestrian and bicycle path.

Respectfully Submitted,

for Charlene E. Unohi
Joanne E. McComber
Land Agent

APPROVED FOR SUBMITTAL:

[Signature]
Peter T. Young, Chairperson

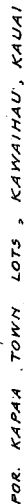
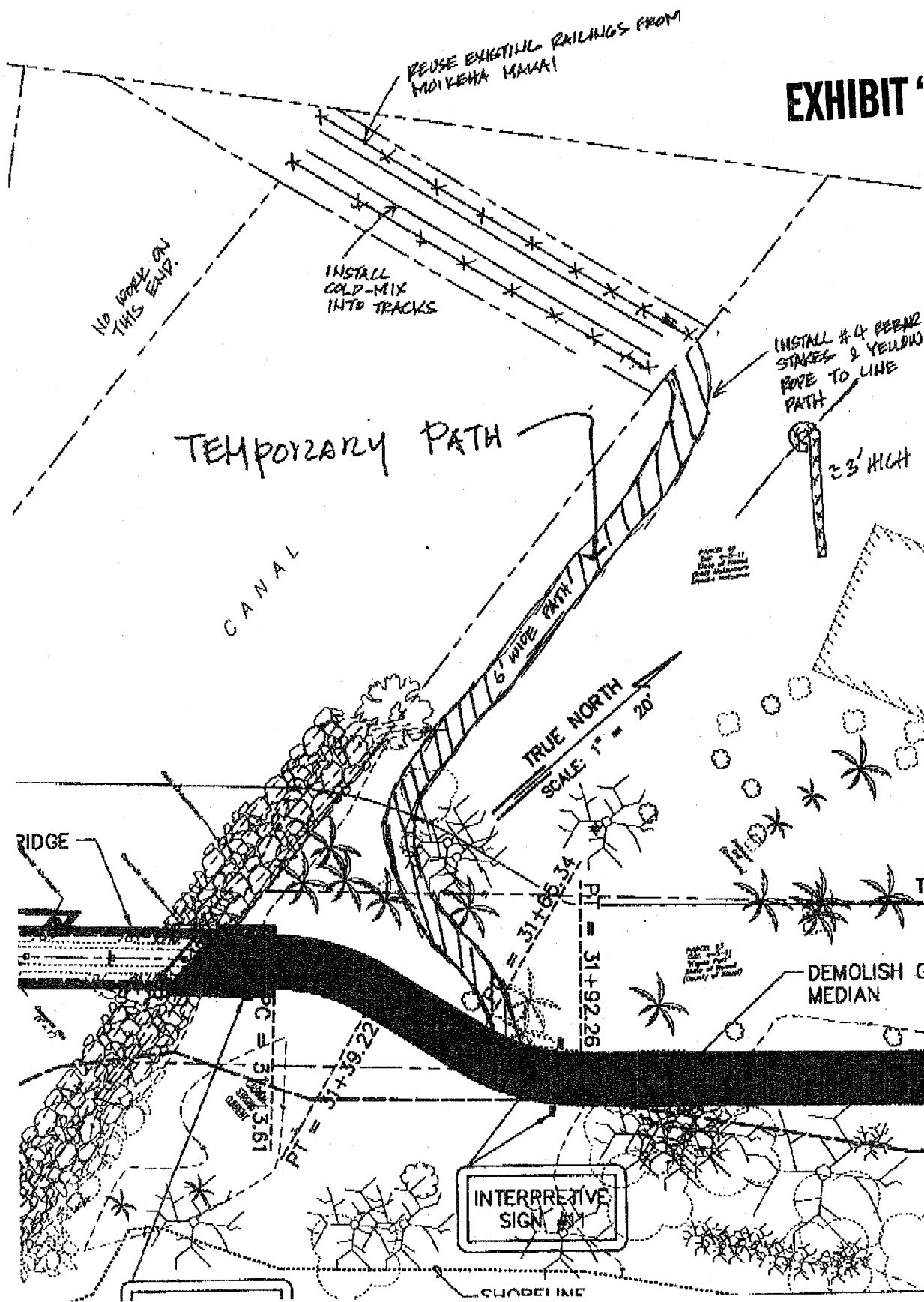


Exhibit A

EXHIBIT "A"

Hotel Coral Reef

1200 NORTH MAIN STREET, SUITE 900, SANTA ANA, CA 92701

(714) 543-9484 Fax (714) 543-9972

1516 KUHIO HIGHWAY, KAPAA, KAUAI, HAWAII 96746

(800) 843-4659 Fax (808) 822-7705

January 4, 2006

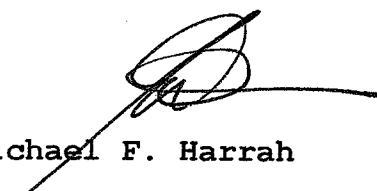
Mr. Thomas Oi, District Land Agent
Department of Land and Natural Resources
3060 Eiwa Street Room 306
Lihue, HI 96766

Subject: County of Kauai Right of Entry for TMK 4-5-11:46

Dear Mr. Oi:

I have no objections to the State of Hawaii Department of Land and Natural Resources granting a temporary right-of-entry to the County of Kauai through my leased parcel. It is understood that this right-of-entry will be approximately 5" (+/-) along the north side of Moikeha Canal and will be for about 6 months (12 months maximum) to allow the pedestrian and bicycle passage during the construction of the new bridge. If there is anything else I can do to help improve the future of Kapaa', please do not hesitate to call me direct @ (714) 543-9484.

Personal and professional regards,


Michael F. Harrah

AM10:57:25

JAN 9 '06

DLNR KDLO RCVD

"Exhibit B"